

III. Remarks

Reconsideration of this application in light of the above amendments and the following remarks is requested.

Claims 1-26 were originally filed in the present application, and new claims 27-32 were subsequently added. Claims 1-10 and 19 are currently canceled without prejudice or disclaimer. Consequently, claims 11-18 and 20-32 are currently pending in the present application.

Applicants note with appreciation the Examiner's indication that claims 11-17 and 27-32 are allowed, and that claims 19 and 26 would be allowable if rewritten in independent form. Accordingly, claim 18 is currently amended solely to incorporate the subject matter of allowable (but now canceled) claim 19, without adding subject matter to the claims, and solely in an effort to expedite prosecution.

Drawing Objections

The Examiner has objected to the drawings under 37 C.F.R. §1.83(a) as not showing the third free layer and the third tunneling layer as recited in previously pending claim 4. However, as claim 4 is now canceled, Applicants respectfully request the Examiner withdraw the objection to the drawings.

Rejections under 35 U.S.C. §102

Claim 1 has been rejected under 35 U.S.C. §102(b) as being anticipated by Gill. However, claim 1 is currently canceled, thus rendering the rejection moot.

Claims 18 and 21 have been rejected under 35 U.S.C. §102(b) as being anticipated by Ohtani. However, the Examiner has indicated that previously-pending claim 19 would be allowable if rewritten in independent form. Accordingly, because claim 18 is currently amended to incorporate the limitations of now-canceled claim 19, claim 18 is allowable over Ohtani. Consequently, because claim 21 depends on claim 18, claim 21 is also allowable over Ohtani. Therefore, Applicants respectfully request the Examiner withdraw the §102 rejection of claims 18 and 21 in view of Ohtani.

Rejections under 35 U.S.C. §103

Claims 2, 3 and 5-10 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Gill in view of Chen. However, claims 2, 3 and 5-10 are currently canceled, thus rendering the rejection moot.

Claims 20, 24 and 25 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Ohtani in view of Chen. However, the Examiner has indicated that previously-pending claim 19 would be allowable if rewritten in independent form. Accordingly, because claim 18 is currently amended to incorporate the limitations of now-canceled claim 19, claim 18 is allowable over Ohtani in view of Chen. Consequently, because claims 20, 24 and 25 depend on claim 18, claims 20, 24 and 25 are also allowable over Ohtani in view of Chen. Therefore, Applicants respectfully request the Examiner withdraw the §103 rejection of claims 20, 24 and 25 in view of Ohtani and Chen.

Claims 22 and 23 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Ohtani in view of Parkin. However, the Examiner has indicated that previously-pending claim 19 would be allowable if rewritten in independent form. Accordingly, because claim 18 is currently amended to incorporate the limitations of now-canceled claim 19, claim 18 is allowable over Ohtani in view of Parkin. Consequently, because claims 22 and 23 depend on claim 18, claims 22 and 23 are also allowable over Ohtani in view of Parkin. Therefore, Applicants respectfully request the Examiner withdraw the §103 rejection of claims 22 and 23 in view of Ohtani and Parkin.

Appl. No. 10/678,699
Response to Office Action of June 14, 2005

Patent/Docket No. 24061.32
Customer No. 000042717

IV. Conclusion

It is clear from the foregoing that claims 11-18 and 20-32 are in condition for allowance. Additionally, it is believed that all matters set forth in the Office action have been addressed. Accordingly, favorable consideration and an early indication of the allowability of the claims are respectfully requested. Should the Examiner deem that an interview with Applicants' undersigned attorney would expedite consideration, the Examiner is invited to call the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

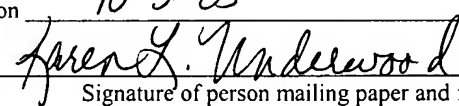


Dave R. Hofman
Registration No. 55,272

Dated: 10/5/05

HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: 972/739-8630
IP Facsimile No. 214/200-0853

I hereby certify that this correspondence is being deposited
with the United States Postal Service as first class mail in
an envelope addressed to the Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450

on 10-5-05

Signature of person mailing paper and fee